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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SINGULAR COMPUTING LLC,)	
)	
Plaintiff)	Civil Action
)	
)	No. 19-12551-FDS
vs.)	
)	
GOOGLE LLC,)	
Defendant)	

BEFORE: CHIEF JUDGE F. DENNIS SAYLOR, IV

STATUS CONFERENCE

John Joseph Moakley United States Courthouse
1 Courthouse Way
Boston, MA 02210

September 11, 2023
12:00 p.m.

Valerie A. O'Hara, FCRR, RPR
Official Court Reporter
John Joseph Moakley United States Courthouse
1 Courthouse Way
Boston, MA 02210
E-mail: vaohara@gmail.com

1 APPEARANCES:

2 For The Plaintiff:

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8 For the Defendant:

9 Kekker, Van Nest & Peters LLP, by ROBERT A. VAN NEST, ESQ.,
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1 PROCEEDINGS

2 THE CLERK: All rise. Thank you. You may be seated.
3 Court is now in session in the matter of Singular Computing LLC
4 vs. Google LLC, Matter Number 19-12551.

5 Participants are reminded that photographing,
6 recording or rebroadcasting of this hearing is prohibited and
7 may result in sanctions.

8 Would counsel please identify themselves for the
9 record, starting with the plaintiff.

12:02PM 10 MR. TIMBERS: Good afternoon, your Honor,
11 Kerry Timbers for plaintiff, and with me is Brian Seeve, and
12 online Dan McGonagle.

13 THE COURT: All right. Good afternoon.

14 MR. VAN NEST: Good afternoon, your Honor, for Google,
15 Bob Van Nest. I'm here with Anna Porto, Rachel Meny, Chris Sun
16 from our office, Nathan Speed from Wolf, Greenfield and
17 Asim Bhansali from Kwun, Bhansali. Good morning.

18 THE COURT: Good afternoon to us.

19 MR. VAN NEST: There we go.

12:03PM 20 THE COURT: All right. This is a status conference in
21 this case. I'm confident everyone is going to report that all
22 of your problems have been worked out and there's really
23 nothing for me to do. Mr. Timbers.

24 MR. TIMBERS: That's basically correct, your Honor.

25 THE COURT: Really?

1 MR. TIMBERS: Yes. We've had a number of very
2 productive meetings, and from our perspective, based upon the
3 communication we got Friday, it looks like we've come to an
4 agreement on a way forward, and some documents are going to be
5 produced. In addition, we found some documents that we need to
6 produce, which we'll be producing this week, and we'll be
7 answering some questions that have been asked later today.

8 THE COURT: What about the depositions?

9 MR. TIMBERS: Pardon?

12:04PM 10 THE COURT: What about the depositions?

11 MR. TIMBERS: Once the documents are produced, we're
12 going to want to do the depositions right away, and our
13 expectation is there won't be any trouble deciding when those
14 should be, and they'll all be, of course, video.

15 THE COURT: And completed in the month of
16 October anyway?

17 MR. TIMBERS: Oh, yes, I would certainly think so,
18 yes.

19 THE COURT: Mr. Van Nest.

12:04PM 20 MR. VAN NEST: Your Honor, that's essentially correct.
21 I think the parties have an agreement. Just to fill you in, we
22 did meet a couple of times last week. We have now a protocol,
23 which will require Google to review 3600 documents. We've
24 undertaken that review. We hope to complete it this week, we
25 hope to produce any responsive relevant documents next week,

1 and once that is done, as Mr. Timbers indicated, we could
2 schedule the depositions.

3 Why so many, you may ask. We were hoping to engage
4 Singular in a discussion about positive type search terms,
5 things like LPHDR, approximate math, floating point, but they
6 chose to simply eliminate obviously irrelevant things, so that
7 leaves with us about 3600 documents that we're reviewing, and,
8 as I said, we hope to complete the review this week or early
9 next and produce the documents.

12:05PM 10 As Mr. Timbers has indicated, they have found some
11 documents that they believe should have been produced. They
12 indicated there were about 200 of those. I expect they'll be
13 producing those this week. We haven't seen them yet. We have
14 some questions about how that happened, and they have indicated
15 they'll answer those in writing this week, and once both sides
16 have produced the documents, then as your Honor notes, we'll
17 schedule Dr. Dean and Dr. Loudan, and I hope also that happens
18 in the month of October and no later than that.

19 THE COURT: All right.

12:06PM 20 MR. VAN NEST: I have one procedural question.

21 THE COURT: Yes, go ahead.

22 MR. VAN NEST: About a month ago, the parties
23 submitted a stipulation on the pretrial schedule, and your
24 Honor signed it. It has us both filing final pretrial
25 materials on December 20th, and then a couple of weeks ago,

1 your Honor set the first pretrial conference on December 14th,
2 so my question is would you like, should the parties
3 renegotiate the filing schedule so you have the final pretrial
4 order and jury instructions and so on before the 14th or were
5 you planning to use that for some other more general check-in
6 purpose?

7 We do have a second pretrial in January, as you know,
8 but my question is what you would like us to do for the 14th?
9 Should we accelerate the filing or is that not necessary?

12:07PM 10 THE COURT: I certainly have no issue with you all
11 talking to one another. If you think there's a more rational
12 approach, I'm happy to sign off on it. Normally there are,
13 even in a relatively simple case, a lot of in limine motions,
14 sometimes there are Daubert motions disguised as in limine
15 motions, but, regardless, a lot for me to do, and I normally
16 rule on those orally to the extent I can from the bench.
17 Sometimes that takes more than one conference, depending on how
18 much work is involved, and, of course, I have these pending
19 motions to strike and so forth as it is.

12:08PM 20 But why don't you talk, if you think that there will
21 be a better schedule, I'm happy to go along with it within
22 reason. I won't set a conference for, you know, the afternoon
23 of December 24th, but I'm amenable to anything.

24 MR. VAN NEST: Okay. Well, your Honor, I think in
25 that event, what we should do is negotiate some earlier filing.

1 I think the 14th is fine. We don't want to push it too close
2 to the holiday there, but right now the oppositions to motions
3 in limine and other pretrial stuff isn't due until the 20th, so
4 I think it would be better for you to have it before the
5 conference on the 14th, and we'll endeavor to renegotiate the
6 schedule to make that happen.

7 THE COURT: Okay. Why don't you talk to one another,
8 if you can't, I'll take it from there.

9 MR. VAN NEST: I think we'll be able to agree on that.

12:09PM 10 THE COURT: All right. I think I would like to, it
11 just makes me feel more comfortable to have these periodic
12 conferences, just to make sure I'm nipping issues in the bud,
13 or at least if not that, aware of what the issues are. Why
14 don't we, maybe any time on Monday, October 2nd? I think if
15 not, I think I'm out the prior Friday.

16 THE CLERK: How about Monday, the 2nd at 12:00?

17 THE COURT: Monday, the 2nd at 12:00 eastern time,
18 further conference?

19 MR. TIMBERS: That's fine, your Honor.

12:09PM 20 MR. VAN NEST: Your Honor.

21 THE COURT: Yes.

22 MR. VAN NEST: I'm wondering if it would make more
23 sense, that's fine, but I'm wondering if it would make more
24 sense to push it back one more week. It would be nice if we
25 had our documents produced at our depositions either done or at

1 least scheduled, and I don't know how quickly that will happen.
2 I think if we did something on the 9th or something like that,
3 we'd have a better shot at getting more done.

4 THE COURT: That's a sensible suggestion, but I'm out
5 that week, and I'd rather have it a little too early than a
6 little too late, and my schedule the week of the 2nd is up in
7 the air right now, so why don't we just see where we are on the
8 2nd, and if there are issues that need to be resolved, I'll
9 figure out something, okay?

12:10PM 10 MR. VAN NEST: Okay. So is it at noon Boston time on
11 the 2nd?

12 THE COURT: Yes. Again, we may not have much to talk
13 about, that's fine. All right.

14 MR. TIMBERS: Thank you, your Honor.

15 THE COURT: Okay, thank you, all.

16 THE CLERK: All rise.

17 MR. VAN NEST: Thank you, your Honor.

18 (Whereupon, the hearing was adjourned at 12:10 p.m.)
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C E R T I F I C A T E

UNITED STATES DISTRICT COURT)
DISTRICT OF MASSACHUSETTS) ss.
CITY OF BOSTON)

I do hereby certify that the foregoing transcript,
Pages 1 through 9 inclusive, was recorded by me
stenographically at the time and place aforesaid in Civil
Action No. 19-12551-FDS, SINGULAR COMPUTING LLC vs. GOOGLE LLC
and thereafter by me reduced to typewriting and is a true and
accurate record of the proceedings.

Dated September 12, 2023.

s/s Valerie A. O'Hara

VALERIE A. O'HARA
OFFICIAL COURT REPORTER